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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Tariffs Implementing ) CC Docket No. 97-250  
Access Charge Reform )  
 )

**REVISED REFUND PLAN OF PACIFIC BELL**

SBC Communications Inc. (SBC), on behalf of Pacific Bell (Pacific), and pursuant to the Memorandum Opinion and Order (MO&O)<sup>1</sup> released June 1, 1998 by the Federal Communications Commission (Commission), respectfully submits its revised refund plan in the above styled matter for Pacific.

**I. INTRODUCTION**

On August 31, 1998 Pacific filed its refund plan for revisions to its non-primary residential and BRI ISDN line counts. During July 1998 the Commission staff contacted the SBC Companies and explained that for the calculation of the refund amounts, Pacific should change nothing in the original TRP except the primary and non-primary line counts. The SBC Companies therefore accordingly revise the Pacific refund plan to reflect the impact of only changing the line count demand.

**II. PACIFIC BELL REFUND CALCULATION**

As a threshold matter, no refund can be legally required in this matter for Pacific for the reasons stated in SBC's Petition for Reconsideration filed July 1, 1998. Although that Petition has been denied,<sup>2</sup> Pacific Bell filed a petition for review of this denial on November 17, 1998.<sup>3</sup>

<sup>1</sup> Tariffs Implementing Access Charge Reform, CC Docket No. 97-250, Memorandum Opinion and Order, (FCC 98-106) released June 1, 1998 (MO&O).

<sup>2</sup> Tariffs Implementing Access Charge Reform, CC Docket No. 97-250, Memorandum Opinion and Order on Reconsideration, (FCC 98-249) released September 29, 1998.

<sup>3</sup> Pacific Bell v. FCC, Case No. 98-1545 (D.C. Cir.).

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Nevertheless, the denial has not yet been reversed. Pending that decision, and without waiving any of the arguments therein, Pacific Bell calculates the refund as ostensibly required under the MO&O pursuant to the following steps.

**A. January, February, March and April, 1998**

The original Multiline Business, PRI ISDN, Centrex >9 lines and Centrex 9 or <9 lines rates that went into effect on January 1, 1998 were provided in Transmittal No. 1959. Since Pacific takes the "snapshot" for PICC billing on the first business day of each month, the starting point for calculation of the refund is January 2, 1998. The January 1, 1998 rate would be applied to all PICC bills rated between January 1, 1998 and January 23, 1998.

The January 1, 1998 rates were revised on January 24, 1998 by Transmittal No. 1967. These rates apply to the snapshots taken on January 2, 1998 that were billed after January 23, 1998, to those snapshots taken on February 2, 1998 and March 2, 1998, and to the snapshots taken April 1, 1998 if rating was completed by April 4, 1998.

Based on this information the refund amount per PICC for billing underlying the snapshots taken in January, February, March and April (as noted) 1998 would be calculated as follows:

**PICC BILLING JANUARY 2, 1998 THROUGH JANUARY 23, 1998**

**(January 1, 1998 PICC rate minus revised January 1, 1998 PICC rate)**

	<u>Jan1</u>	<u>Revised</u>	<u>Refund</u>
Multiline PICC	\$1.838576	\$1.552080	\$0.286496
PRI ISDN PICC	\$9.192880	\$7.760400	\$1.432480
Centrex >9 Lines	\$0.204286	\$0.172453	\$0.031833
Centrex 9 or <9 Lines	\$1.838576	\$1.552080	\$0.286496
Nonprimary Residential and BRI ISDN	\$1.500000	\$1.500000	\$0.000000

**PICC BILLING JANUARY 24, 1998 THROUGH APRIL 3, 1998**

**(January 24, 1998 PICC rate minus revised January 24, 1998 PICC rate)**

	<u>Jan24</u>	<u>Revised</u>	<u>Refund</u>
Multiline PICC	\$1.754366	\$1.463062	\$0.291304
PRI ISDN PICC	\$8.715705	\$7.315310	\$1.400395
Centrex >9 Lines	\$0.193682	\$0.162562	\$0.031120
Centrex 9 or <9 Lines	\$1.754366	\$1.463062	\$0.291304
Nonprimary Residential and BRI ISDN <sup>4</sup>	\$1.500000	\$1.463062	\$0.036938

**B. April, May and June, 1998**

The original Multiline Business, PRI ISDN, Centrex >9 lines and Centrex 9 or <9 lines rates associated with the second quarter Universal Service Fund (USF) factors went into effect on April 4, 1998 as provided in Transmittal No. 1975. Since Pacific takes the "snapshot" for PICC billing on the first business day of each month, the starting point for calculation of the refund for April's snapshot (if rated after April 3, 1998), and for the May and June 1998 snapshots, is the April 4, 1998 rates. These rates apply to the snapshots taken on April 1 (as noted), May 1 and June 1, 1998.

The refund amount per PICC for billing underlying the snapshots taken on April (as noted), May and June 1998 would be calculated as follows:

**PICC BILLING APRIL 4, 1998 THROUGH JUNE 30, 1998**

**(April 4, 1998 PICC rate minus revised 2Q USF PICC rate)**

	<u>Apr4</u>	<u>Revised</u>	<u>Refund</u>
Multiline PICC	\$1.779083	\$1.486358	\$0.292725
PRI ISDN PICC	\$8.895415	\$7.431790	\$1.463625
Centrex >9 Lines	\$0.197676	\$0.165151	\$0.032525
Centrex 9 or <9 Lines	\$1.779083	\$1.486358	\$0.292725
Nonprimary Residential And BRI ISDN	\$1.500000	\$1.486358	\$0.013642

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<sup>4</sup> By utilizing the formula recommended by Commission staff, changes to the Nonprimary Residential and BRI ISDN PICC rate also occur.

### III. PACIFIC BELL REFUND PLAN

If necessary, Pacific proposes to issue refunds at the amounts shown above with interest added by issuing bill credits to those customers who were billed the Nonprimary Residential and BRI ISDN and Multiline Business, PRI ISDN, Centrex >9 lines and Centrex 9 or <9 lines rates during the period of January 1, 1998 through June 30, 1998.

Interest will be computed on a daily compounded basis as required by paragraph 177 of the MO&O at the appropriate interest rate established by the Internal Revenue Service (IRS).

Respectfully submitted.

SBC COMMUNICATIONS INC  
PACIFIC BELL


By 

Robert M. Lynch  
Durward D. Dupre  
Roger Toppins  
Michael J. Zpevak  
Thomas A. Pajda  
One Bell Plaza, Room 3003  
Dallas, Texas 75202  
214-464-5307  
Their Attorneys

November 20, 1998

#### IV. CERTIFICATE OF SERVICE

I, Mary Ann Morris, hereby certify that the foregoing "Revised Refund Plan of Pacific Bell" of SBC Companies, Inc., CC Docket Numbers 97-250, has been served on November 20, 1998 to the Parties of Record.

  
Mary Ann Morris

November 20, 1998

BELLSOUTH CORPORATION & BELLSOUTH  
TELECOMMUNICATIONS INC  
M ROBERT SUTHERLAND  
4300 SOUTHERN BELL CENTER  
675 W PEACHTREE STREET NE  
ATLANTA GA 30375

AMERITECH SERVICES INC  
2000 WEST AMERITECH CENTER DRIVE  
LEGAL DEPARTMENT  
HOFFMAN ESTATES IL 60196-1025

BELLSOUTH CORPORATION  
1155 PEACHTREE ST NE  
SUITE 1800  
ATLANTA GA 30367-6000

THE BELL ATLANTIC TELEPHONE COMPANY  
1320 N COURT HOUSE ROAD  
8TH FLOOR  
ARLINGTON VA 22201

AMERITECH OPERATING COMPANIES  
ITS ATTORNEYS  
2000 WEST AMERITECH CENTER DRIVE  
ROOM 4H94  
HOFFMAN ESTATES IL 60196-1025

ROBERT B MCKENNA  
DANA RASMUSSEN  
US WEST COMMUNICATIONS INC  
1020 19TH STREET NW  
SUITE 700  
WASHINGTON DC 20036

MICHAEL J SHORTLEY III  
ATTORNEY FOR FRONTIER CORPORATION  
180 SOUTH CLINTON AVENUE  
ROCHESTER NY 14646

U S WEST INC  
ROBERT B MCKENNA  
RICHARD A KARRE  
ATTORNEYS FOR U S WEST  
1020 19TH STREET NW SUITE 700  
WASHINGTON DC 20036

---

ALIAN COMMUNICATIONS COMPANY  
VINSON & ELKINS  
THE WILLARD OFFICE BUILDING  
1455 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20004-1008

GTE TELEPHONE OPERATING COMPANY  
1850 M STREET NW  
SUITE 1200  
WASHINGTON DC 20036

CITIZENS UTILITIES COMPANY  
RICHARD M TETTELBAUM  
ASSOCIATE GENERAL COUNSEL  
SUITE 500  
1400 16TH STREEET NW  
WASHINGTON DC 20036

RICHARD MCKENNA HQE03J36  
GTE SERVICE CORPORATION  
P O BOX 152092  
IRVING TEXAS 75015-2092

M ROBERT SUTHERLAND  
A KIRVEN GILBERT III  
ATTORNEYS FOR BELL SOUTH CORPORATION  
1155 PEACHTREE STREET NE  
SUITE 1700  
ATLANTA GA 30309-3610

SECRETARY=S OFFICE  
FEDERAL COMMUNICATIONS COMMISSION  
THE PORTALS  
445 TWELFTH STREET SW  
WASHINGTON DC 20554

MARK C ROSENBLUM  
PETER H JACOBY  
JUDY SELLO  
AT&T CORPORATION  
ROOM 3245I1  
295 NORTH MAPLE AVENUE  
BASKING RIDGE NJ 07920

SPRINT COMMUNICATIONS COMPANY LP  
RICHARD JUHNKE  
NORINA T MOY  
1850 M STREET NW  
SUITE 1110  
WASHINGTON DC 20036

ITS INC  
1231 20TH STREET NW  
WASHINGTON DC 20036

JUDY NITSCHKE  
FEDERAL COMMUNICATIONS COMMISSION  
1919 M STREET NW  
ROOM 518  
WASHINGTON DC 20554

JOHN SCOTT  
FEDERAL COMMUNICATIONS COMMISSION  
1919 M STREET NW  
ROOM 518  
WASHINGTON DC 20554

JOSE RODRIGUEZ  
FEDERAL COMMUNICATIONS COMMISSION  
ACCOUNTING AUDITS DIVISION  
2000 L STREET NW  
ROOM 812  
WASHINGTON DC 20554

PEYTON WYNNS  
FEDERAL COMMUNICATIONS COMMISSION  
INDUSTRY ANALYSIS DIVISION  
2033 M STREET NW  
SUITE 500  
WASHINGTON DC 20554

CHIEF  
COMPETITIVE PRICING DIVISION  
ROOM 518  
1919 M STREET NW  
WASHINGTON DC 20554



GENE C SCHAERR  
SCOTT M BOHANNON  
CARL D WASSERMAN  
AT&T CORPORATION  
1722 I STREET NW  
WASHINGTON DC 20006

MARK C ROSENBLUM  
PETER H JACOBY  
JUDY SELLO  
AT&T CORPORATION  
ROOM 3245I1  
295 NORTH MAPLE AVENUE  
BASKING RIDGE NJ 07920

NANETTE S. EDWARDS  
REGULATORY AFFAIRS MANAGER  
ITC DELTACOM COMMUNICATIONS INC  
700 BOULVEVARD SOUTH SUITE 101  
HUNTSVILLE AL 35802

RUSSELL M BLAU  
MORTON J POSNER  
SWIDLER & BERLIN CHARTERED  
3000 K STREET NW SUITE 300  
WASHINGTON DC 20007

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